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1531.0310001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED**

MAR 10 2004

**OFFICE OF PETITIONS**

Applicant(s) : Germeraad  
Serial No. : 09/545,564  
Filed : April 7, 2000  
For : PATENT-RELATED TOOLS AND METHODOLOGY FOR USE  
IN RESEARCH AND DEVELOPMENT PROJECTS  
Examiner : Jean M. Corrielus  
Art Unit : 2172  
Customer No. : 10037

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March 5, 2004

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

RESPONSE

Applicants have received a properly addressed "Notice of Abandonment" of the present application dated January 21, 2003, referring to an office action allegedly mailed on May 21, 2002. The Office Action was never received by counsel, and on information and belief, was not received by Micropatent, L.L.C., assignee, its employees or agents.

Applicants' files indicate that a Decision on Request for Withdrawal as Attorney in the above identified application was granted on May 15, 2002, relieving former counsel, Sterne, Kessler, Goldstein & Fox PLLC of responsibility in this action, and indicating that further

correspondence would be sent to Aurigin Systems, Inc., the assignee at that time. Applicants' files also indicate that no correspondence was, in fact, received from the U.S. Patent and Trademark Office between the Decision on Request for Withdrawal as Attorney and the Notice of Abandonment.

Applicants' undersigned attorney assumed responsibility from MicroPatent L.L.C., purchaser of the assets of Aurigin Systems, Inc. around May 15, 2002, and submitted a Power of Attorney, among other papers, on August 7, 2002, after a review of the files was complete.

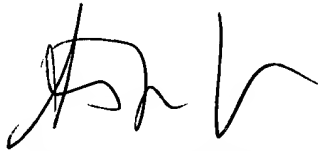
Applicants' undersigned attorney's attempts to obtain a copy of the May 21, 2002 Office Action have not been successful, to date, and therefore it remains unclear to which address the Office Action was mailed.

Therefore, analyzing the potential alternatives, the Office Action was either directed to former counsel, or to the prior Assignee, which had effectively ceased operations. Had the Office Action been directed to and received by either party, it should have been forwarded to our offices, however, there is no evidence of any such receipt.

It is therefore respectfully submitted that the application was unavoidably abandoned, and that it should be restored to the active docket. It is further respectfully submitted that, since the outstanding Office Action has not yet been made available to applicants, that the failure to respond to any requirements or rejections made therein should be excused until a reasonable time after receipt thereof.

Any additional fees due in connection herewith, or refunds of any overpayments, may be charged to Deposit Account No. 50-0427.

Respectfully submitted,



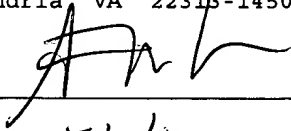
Steven M. Hoffberg  
Reg. No. 33,511

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10 Bank Street - Suite 460  
White Plains, NY 10606

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I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450

By



Date

3/5/94



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Sir:

REQUEST FOR REFUND TO DEPOSIT ACCOUNT

Applicants herewith submit a Petition for Revival of an Application for Patent  
Abandoned Unavoidably Under 37 CFR 1.137(a).

Applicants respectfully submit that, since the abandonment was through no fault  
of Applicant, that the Petition fee be refunded to Deposit Account No. 50-0427.

Respectfully submitted,

Steven M. Hoffberg  
Reg. No. 33,511

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